

Clarify Procedures for Appointments to the Chehalis Board



WHY IT MATTERS

Amendment to HB 2856 from 2016 is needed to ensure clarity on the Chehalis Board appointment process. The Quinault Indian Nation expressed significant concern about the apparent requirement that the Quinault representative on the Board is subject to confirmation from the Washington State Senate. This concern was conveyed to the Governor's staff after 2016 legislative action on HB 2856. The proposed bill responds to the concerns expressed by the tribe. It also makes other clarifications regarding appointments.

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Proposed Legislation

A new "Chehalis Board" was created by HB 2856 in 2016 to provide oversight of the long-term management strategy for the Chehalis basin. HB 2856 specified that the Board will consist of four Governor appointees, including seats for the Chehalis and Quinault tribes; and three members appointed by the Chehalis Basin Flood Authority.



Flood Plain by Kevin Burman

The problems:

- The 2016 legislation implies that the tribal appointments are subject to confirmation by the Washington State Senate. It is not appropriate for these tribal appointments to be reviewed by the Washington State Senate.
- Two issues with HB 2856 stem from the unusual circumstance of having multiple appointing authorities for the Board:
 - Staggered initial terms are specified in the 2016 legislation. However, there is no direction on how to divide the staggered terms among the multiple appointing authorities.
 - Legislative guidance on Board appointments is included in the bill. The appointments are to "collectively" seek to provide: expertise necessary for strong oversight of the Chehalis Basin Strategy; knowledge regarding local government processes; and understanding regarding reducing flood damages and restoring aquatic species. However, this guidance is currently applicable only to the Governor's appointees.



Winter Flooding of Boistfort Valley by Jeffrey Seldomridge

The solution: Ecology's proposal

Chapter 194, Laws of 2016 (HB 2856) would be amended to clarify three items:

- The Governor will invite the Confederated Tribes of the Chehalis Reservation and the Quinault Indian Nation to each designate a member of the Chehalis Board.
- Initial staggered terms are specified for the Governor and Flood Authority positions.
- Legislative guidance on Board expertise and knowledge would apply to all appointing authorities

How it will work

The two non-tribal Board members appointed by the Governor will continue to be subject to Washington State Senate confirmation. The two tribes would appoint their Board members. And the Chehalis Basin Flood Authority would continue to appoint three members of the Board. The initial terms of the various positions would be specified. And the legislative guidance provided in HB 2856 regarding Board expertise and background would apply to all the appointing authorities.

Appointment to the initial Chehalis Board is anticipated in the first half of 2017. Adopting these clarifying amendments in the 2017 legislature will ensure a strong start for the new Board. This amendment is very important for securing Tribal involvement in the new Chehalis Board.

How it will benefit Washington

The proposed amendments appropriately respect the authority of Indian tribe governing bodies to make these appointments. The Quinault Indian Nation expressed concern about the Senate confirmation issue in correspondence with the Governor's Office. Tribal involvement with the Chehalis Board is very important to long-term success for the Chehalis Basin Strategy.

Clarity on the length of initial terms and legislative intent for Board expertise will ensure that the new Chehalis Board has a strong start.

More information

Department of Ecology
website for the Washington Legislature:
www.ecy.wa.gov/legislature.html